

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JASON LEE SUTTON,

Plaintiff,

v.

STATE OF WASHINGTON, *et al.*,

Defendants.

Case No. C04-5642FDB

ORDER DENYING PLAINTIFF'S
MOTION TO COMPEL

This Civil Rights action has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. § 636(b)(1)(B). Before the court is a motion regarding access to courts filed by plaintiff (Dkt. # 95).

On February 28, 2007, Mr. Sutton was transferred from the Washington State Department of Corrections to the Pierce County Jail to stand trial on new criminal charges. He has been found guilty or plead guilty to a new crime and according to plaintiff he was to be sentenced on August 24, 2007 (Dkt. # 98). Plaintiff has not finished serving his prior criminal sentence and he will be returned to the Department of Corrections regardless of the outcome of his criminal case in Pierce County. His current status with the Department of Corrections is "out to court" (Dkt. # 96, Exhibit 1, Attachment A).

The defendants in this action are the Washington State Department of Corrections and state employees who work in the state prison system, not Pierce County Jail Staff or other employees of the

1 County. Mr. Sutton has filed a motion asking the court to order “the defendants” to provide him with the
2 following items:

- 3 1. Photo copying for Legal (civil) documents,
- 4 2. Writing pen,
- 5 3. Extra writing paper,
- 6 4. Eraser(s),
- 7 5. Carbon paper,
- 8 6. Highlighter(s),
- 9 7. White-out,
- 8 8. Pre franked legal envelopes,
- 9 9. Scotch tape in order to secure exhibits,
- 10 10. The prisoner self-help litigation manual and/or Civil Procedure in a Nutshell, Civil Trial
11 Strategy in a Nutshell, Shepards Index in order to Shepardize and research case law, etc.
- 12 11. Physical access to the Jail Law Library, and West Law computer System.

13 (Dkt. # 95).

14 The proper defendants in this action have responded and note that plaintiff is not in their custody
15 (Dkt. # 96). They state that during the time frame plaintiff has been at the Jail the plaintiff has served six
16 separate discovery requests, thus showing an ability to file and serve documents. Defendants state that
17 they have no duty to provide him with legal access while he is residence at the Pierce County Jail and not
18 the Department of Corrections (Dkt. # 96).

19 The incidents alleged in the amended complaint all took place at the Clallam Bay Correction Center
20 (Dkt. # 17, amended complaint). Mr. Sutton is not currently housed by the Washington State Department
21 of Corrections. Mr. Sutton is currently being held in the Pierce County Jail. That facility is run by the
22 Pierce County Sheriff’s Office. Contrary to Mr. Sutton’s assertions, the defendants do not control the
23 actions of the Pierce County Sheriff’s Office the motion is **DENIED**.

24 The clerk is directed to send copies of this order to plaintiff and counsel for defendants and to
25 remove docket number 95 from the court’s calendar.

26 DATED this 30 day of August, 2007.

27 /S/ J. Kelley Arnold
28 J. Kelley Arnold
United States Magistrate Judge